

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Lawrence Luker,

Plaintiff,

v.

Kilolo Kijakazi, Acting Commissioner of the
Social Security Administration,¹

Defendant.

C/A No. 0:21-629-PJG

ORDER

This matter is before the court on Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"). (ECF No. 30); see 28 U.S.C. § 2412. Plaintiff seeks an award of attorney's fees in the amount of \$5,622.53. The motion was accompanied by a statement of hours by Plaintiff's attorney which supports the motion. Defendant filed a response indicating that she does not object to the amount requested by Plaintiff. (ECF No. 31.)

The court has reviewed the motion, as well as the supporting underlying documentation, and finds that the total fee request, hours expended, and hourly rates are reasonable and authorized under applicable law. See *Grisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

Accordingly, it is

ORDERED that Plaintiff be granted attorney's fees pursuant to the EAJA in the amount of \$5,622.53. EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). In the event Plaintiff has no present debt subject to offset and Plaintiff has executed a proper assignment to Plaintiff's counsel,

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi is substituted as the named defendant because she recently became the Acting Commissioner of Social Security.

Defendant is directed to make the payment due to Plaintiff's counsel. If Plaintiff has no debt subject to offset and no proper assignment has been made by Plaintiff to counsel, Defendant is directed to make the check due pursuant to this Order payable to Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.

January 27, 2022
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE